

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE HERALD, PRIMEO, AND THEMA  
FUNDS SECURITIES LITIGATION

ECF Case

Case No. 09 Civ. 0289 (RMB) (HBP)

DECLARATION OF LEAD PLAINTIFF NEVILLE SEYMOUR DAVIS  
REGARDING APOINTMENT OF LEAD COUNSEL

I, Neville Seymour Davis, declare that:

1. I have carefully reviewed the Court's October 5, 2009 Order appointing me as Lead Plaintiff in *Perrone v. Benbassat*, No. 09 Civ. 2558 (RMB) (HBP). I submit this Declaration in response the Court's Order.
2. I share the Court's concern over the potential for duplication of work and inefficiency resulting from appointment of multiple law firms to the leadership structure.
3. Because the Court has found it unnecessary to appoint two law firms, I withdraw my previous request to appoint Murray, Frank & Sailer LLP as Liaison Counsel and respectfully request that the Court appoint Johnson Bottini, LLP as Lead Counsel in the *Perrone* action.
4. I am mindful that, as Lead Counsel in *Perrone*, Johnson Bottini, LLP will work with lead counsel appointed in *Repex Ventures v. Madoff*, No. 09 Civ. 0289 (RMB) (HBP) and *Leonhardt v. Madoff*, 09 Civ. 2032 (RMB) (HBP). As stated in my declaration dated May 15, 2009, I will continue to employ the protocol I have established with Johnson Bottini, LLP to ensure co-lead counsel's efficiency and the reasonableness of any attorney's fee applications.

I further declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 9<sup>th</sup>, 2009

  
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Neville Seymour Davis